

REMARKS

A final Office Action was mailed on January 29, 2004. A Request for Reconsideration was mailed on April 26, 2004. An Advisory Action was mailed on June 9, 2004, indicating that amendments made in the Request for Reconsideration of April 26, 2004 had been entered by the Examiner, but were deemed not to place the examination in condition for allowance over the prior art rejections. A Notice of Appeal and Petition for extension of time were timely mailed on June 16, 2004. The present Preliminary Amendment is being timely mailed together with a Request for Continued Examination and a Petition for a one-month extension of time.

Claims 1 – 6, 20 and 21 are currently pending. In the present amendment, claims 1, 2, 4, 6 and 21 are amended, and new claims 22 – 23 have been added. No new matter is added.

PRIOR ART REJECTIONS UNDER 35 U.S.C. §103

Claims 1-5 and 20-21 are now rejected under 35 U.S.C. §103(a) as being unpatentable over Hooper et al. (U.S. Patent 5,533,321) in view of Lancaster et al. (U.S. Patent 4,553,374), while claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Hooper et al. '321 in view of Pienta et al. (U.S. Patent 6,347,498). Responsive thereto, Applicants amend claims 1 – 6, 20 and 21 to clarify the nature of their invention, and respectfully traverse these rejections.

Amended claim 1 recites:

1. A method for packaging rolls of web material such as rolls of paper, the method comprising the steps of:

providing a wrapper dispensing system for dispensing wrapping onto a roll of web material, said wrapper dispensing system comprising a wrapper dispensing station and a wrapper dispensing means,

supporting a roll of web material on a roll rotation station,

rotating said roll rotation station with said roll of web material supported thereon, said wrapper dispensing system remaining stationary relative to said rotating supported roll,

dispensing wrapping onto the rotating supported roll from said wrapper dispensing station via said dispensing means so that the a first wrapping is wound so as to form on said rotating supported roll,

moving the roll rotation station laterally in the axial direction of the rotating supported roll relative to the wrapper dispensing system after dispensing said first wrapping, and

dispensing wrapping onto the rotating supported roll from said wrapper dispensing station via said dispensing means after the moving step so that a second wrapping is wound so as to form on said rotating supported roll, said second wrapping being formed to overlap said first wrapping in a stagewise manner.

Applicants presented the following arguments in the Request for Reconsideration of June

16:

The Examiner asserts that it would be obvious to one skilled in the art to combine the lateral movement of the Lancaster et al. '374 roll station with the wrapper dispensing and roll rotation stations of Hooper et al. '321 to arrive at the claimed invention.

However, Applicant respectfully submits that there must be demonstrated some teaching or motivation in Lancaster et al. to transform the Hooper et al. wrapper dispensing station as suggested by the Examiner. As such teaching or motivation clearly does not exist, Applicant respectfully submits that the Examiner is applying improper hindsight.

The Examiner has admitted that Hooper et al. fails to teach the process step of moving the roll rotation station laterally in an axial direction relative to the wrapper dispensing system. The Examiner also refers to Lancaster et al. as providing the missing teaching, i.e., "*Lancaster '374 teaches the process step of laterally moving a roll station '31, 32, 33' in an axial direction relative to the wrapper dispensing system during the dispensing step for a purpose of wrapping the entire length of wrapper in a slightly helical manner*". However, the Examiner's assertion is misplaced and fails to meet the description of the Lancaster et al. '374 teaching. Lancaster et al. *comprises a ring wrapping apparatus 30, comprising a feed conveyor 31, a wrap and load conveyor assembly 33, a film dispenser 35, a cutting mechanism 37, a takeoff conveyor 32, and a positionable conveyor assembly 150.*" (Column 7, lines 27-31). There simply is no equivalent or analogous roll rotation station in Lancaster et al. '374 as suggested by the Examiner. Instead, in Lancaster et al., "*loads (rolls) are fed lengthwise by a conveyor through a rotating wrapping apparatus having a film web stretching mechanism and film dispensing mechanism*" (Column 5, lines 35-38). In Lancaster et al., loads (rolls) are non rotating and conveyors are totally different from the roll rotation station of the present application. The "*Rotatable Film Wrapping Apparatus For Cylindrical Loads*" as the Lancaster et al. reference is titled, is in general, also totally different from the dispenser of the claimed invention.

Accordingly, Applicant respectfully submits that a prima facie case of obviousness has not been successfully established. In addition, in order to establish a case of prima facie obviousness there must also be shown a motivation to combine the teachings of the cited references, namely Hooper et al. and Lancaster et al. To that end, some suggestion of the desirability to combine the references must be found and demonstrated in the references. This burden cannot be satisfied by simply asserting that the modification would have been "well within the ordinary skill of the art."

... As Lancaster et al. fails to teach or reasonably suggest a fundamental aspect of the claimed invention, namely the process step of moving the roll rotation station laterally in an axial direction relative to the wrapper dispensing system, Applicant respectfully submits that one skilled in the art would not be motivated to arrive at the claimed invention through the teachings of Lancaster et al. in combination with Hooper. There simply is no reason why one skilled in the art would be motivated to transform the Hooper et al. structure into a structure having a roll rotation station that is moved laterally in an axial direction relative to the wrapper dispensing system as simply set forth in the claimed invention.

In the Advisory Action of June 9, the Examiner indicated that these arguments were unpersuasive, suggesting that the wrap and load conveyor assembly 33 of Lancaster was essentially equivalent to Applicants' claimed roll rotation station. Applicants' respectfully disagree. Applicants' amended claim 1 recites that the roll rotation station is "laterally [moved] in the axial direction of the rotating supported roll relative to the wrapper dispensing system after dispensing said first wrapping". In sharp contrast to Applicants' claim 1, Lancaster fails to teach laterally moving the roll rotation station, but rather teaches moving the roll in an axial direction by means of wrap and load conveyor assembly 33 and wrapping means 35, 44 in order to produce a helically-wound wrapping.

Even if it is assumed arguendo that there is an equivalence between the moving roll of Lancaster and Applicants' moving roll rotation, Applicants submit that the combination of Hooper and Lancaster none-the-less fails to teach or suggest additional steps of Applicant's claimed process :

moving the roll rotation station laterally in the axial direction of the rotating supported roll relative to the wrapper dispensing system after dispensing said first wrapping, and

dispensing wrapping onto the rotating supported roll from said wrapper dispensing station via said dispensing means after the moving step so that a second wrapping is wound so as to form on said rotating supported roll, said

second wrapping being formed to overlap said first wrapping in a stagewise manner.

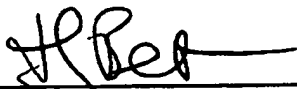
(Emphasis added)

Specifically, Applicants respectfully submit that the combination of Hooper and Lancaster fails to teach or suggest Applicants' claimed process steps dispensing a plurality of wrappings for packaging a roll of web materials, such that a second wrapping is formed to overlap a first wrapping in a stagewise manner. Accordingly, Applicants respectfully submit that amended claim 1 is allowable. As claims 2 - 5, 20 and 21 each depend either directly or indirectly from allowable claim 1, Applicants respectfully submit that claims 2 - 5, 20 and 21 are also allowable for at least this reason.

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1-6, 20 - 23, consisting of independent claim 1 and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



Thomas J. Bean
Reg. No. 44,528

CUSTOMER NUMBER 026304
PHONE: (212) 940-8708
FAX: (212) 894-5708 (direct)
DOCKET NO.: HEIN 18.938 (100720-00050)